

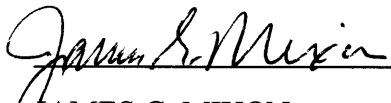
**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN AND WESTERN DISTRICTS OF ARKANSAS**

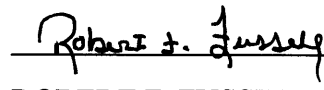
GENERAL ORDER NO. 19

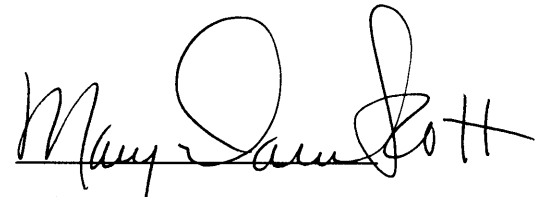
Federal Rules of Bankruptcy Procedure 5005(a)(2), 9029, 9036, and Local Rule 5005-1 authorize this Court to establish practices and procedures for the filing, signing, maintaining, and verifying of pleadings and papers by electronic means. This Court has reviewed the proposed *Administrative Procedures for Electronically Filed Cases* and finds them to be an effective implementation of the electronic case management system.

It is therefore Ordered that the *Administrative Procedures for Electronically Filed Cases and Related Documents*, including all its future updates, shall be adopted as the rules governing the use of the electronic case management system for this court. Such use shall include but shall not be limited to filing, signature, maintenance, service, notice, and access to all documents filed and/or maintained electronically with the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas. AND the provisions of this Order shall apply to all documents as noted in the *Administrative Procedures for Electronically Filed Cases and Related Documents*.

This order is effective December 17, 2001.


JAMES G. MIXON
Chief U.S. Bankruptcy Judge


ROBERT F. FUSSELL
U.S. Bankruptcy Judge


MARY DAVIES SCOTT
U.S. Bankruptcy Judge

Administrative Procedures
for
Electronically Filed Cases and Related Documents



United States Bankruptcy Court
for the
Eastern and Western Districts of Arkansas

Version 2
June 1, 2003

**UNITED STATES BANKRUPTCY COURT
EASTERN & WESTERN DISTRICTS OF ARKANSAS**

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. Designation of Cases

The court so designates that all cases and documents filed in the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas shall be maintained on the Case Management/Electronic Case Filing System (“System”) in electronic format. Cases maintained in paper format at the time the court converts to the System shall be maintained in paper format for those documents filed before the conversion and in electronic format for all documents filed after the conversion.

B. Logins and Passwords

Each attorney is required to use a login and password assigned by the court to participate in the electronic filing of pleadings and other papers in accordance with the System. Logging onto the System using the assigned login and password constitutes the attorney’s original signature on all documents and actions unless otherwise required by the court.

C. Registration

1. Anyone wishing to view documents and court dockets on the System from a location other than the Clerk’s Office **must** have an account on the Public Access to Court Electronic Records (PACER) system. Attorneys who will be filing documents on the System must have a PACER account and a System login and password assigned by the court as described below. To establish a PACER account go to www.pacer.psc.uscourts.gov. For public access see III (A) below.
2. In addition to PACER registration, each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form and a Credit Card Blanket Authorization Form. The forms are available on the court’s Website and in the Clerk’s Office in Little Rock and Fayetteville.
3. All signed Registration Forms and Credit Card Blanket Authorization Forms shall be mailed to the ECF Help Desk, U.S. Bankruptcy Court, P.O. Box 3777, Little Rock, AR 72203 or delivered to the Bankruptcy Clerk’s Office in Little Rock or Fayetteville in a sealed envelope marked “Attn: ECF Help Desk.”

4. Upon approval of the Credit Card Blanket Authorization Form and completion of training on the System, each attorney will receive a System login and password.
5. If an attorney allows his/her employees to access the System using the attorney's login and password, the attorney is responsible for all applicable charges and any documents filed will be deemed authorized and signed by the attorney.
6. Attorneys should not share his/her login and password with other attorneys for the purpose of having pleadings filed on the System. When a pleading is filed on the System, the login name must match the signature on attached PDF pleading.
7. If an attorney realizes her/his password has been compromised, the attorney should notify the ECF Help Desk. If the Clerk notices that an attorney's password has been compromised, the ECF Help Desk will notify the attorney. In all cases, the Clerk will make necessary corrections to the System and establish a new login and password for the attorney.
9. If any of the information on the Registration changes, i.e., mailing address, e-mail address, etc., it is the attorney's responsibility to log onto the System and make the changes by accessing the "Utility" menu and selecting "Maintain Your ECF Account." Additional information is available in the *ECF User Manual* or by selecting the Help button "?" from the menu after selecting "Maintain Your ECF Account." It is not the court's responsibility to re-send or investigate returned e-mails not properly maintained by ECF users. Attorneys registered with the BNC for noticing purposes must also notify the BNC if their delivery information changes.

II. FILING AND SERVICE OF DOCUMENTS

A. Filing

1. All petitions, motions, pleadings, memoranda of law, or other documents that are required to be filed with the court in connection with any case shall be filed electronically on the System, unless specifically prohibited (See General Order 23). Filers filing pleadings and/or documents via paper will be issued an Order to Show Cause as to why they can not file electronically, and will be requested to appear before this Court.

a) Format

All electronic documents, except as noted below, must be submitted in Portable Document Format (PDF). Any

exception to this rule will be specifically noted in these Administrative Procedures, or ordered by a Judge.

b) Size Limit

Documents filed on the System over the Internet must be 8.5 x 11.0 or smaller and cannot exceed 2 megabytes in size. In order to control the size of PDF files, documents that are scanned into PDF format should not exceed 40 pages. Any individual document that exceeds these limits should be broken into multiple PDF files and filed on the System as a document and attachment(s). Each attachment shall be no longer than 40 pages although one document may have multiple attachments. For example, for a 10-page motion with 130 pages of exhibits, the main document would consist of the 10-page motion and the first 30 pages of exhibits. The remaining 100 pages of exhibits would be filed as three attachments to the main document, 40 pages with the first attachment, 40 pages with the second attachment and 20 pages with the third attachment.

c) Exhibits or Attachments

NOTE: THIS RULE IS NOT A SUBSTANTIVE RULE REGARDING DISCOVERY. IT SIMPLY ADDRESSES PROCEDURES FOR FILING EXHIBITS AND ATTACHMENTS IN ECF. Filers must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits paper filing. Filers must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Upon request by any party in interest or the court, the complete document containing any excerpt shall be made available to both the party making the request and the court, unless otherwise ordered by the court. Filers who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document if they believe such items are germane. Exhibits should be included with the main document if possible. If exhibits cannot be scanned, the attorney shall make a note in the docket text that there are unscannable exhibits.

2. Date/Time Filed

Because the system is a “real-time” system, the receipt of filing will show the actual date and time a document was filed on the system. Documents submitted electronically on the system outside of normal office hours will be deemed filed on the date and time received. For example, if a document is received at 8:30 PM on Sunday, July 7, 2002, the receipt of filing will show that date and time.

3. Creditor Lists

Creditor lists must be submitted in ASCII file format with an appropriate text extension (.txt) and shall be submitted over the Internet through the System at the time of case filing. If additional creditors need to be added, an Amended List of Creditors should be docketed with the creditor list e-mailed to: dropbox@areb.uscourts.gov. Instructions for creating an ASCII file are available from the Clerk’s Office and on the court’s Internet site. The creditor list, also called a matrix, should meet the following specifications:

- a) The name and address of each creditor must be four (4) lines or fewer.
- b) Each line may contain no more than 40 characters including blanks.
- c) Names and addresses should be left justified (no leading spaces).
- d) If attention lines are used, they should appear on the second line of the address.
- e) City, state, and ZIP code must be on the last line.
- f) All states must be two-letter abbreviations.
- g) If a nine-digit ZIP code is used, a hyphen must separate the first five digits from the last four digits.
- h) Each creditor must be separated by at least one blank line.
- i) Do not include case number, page numbers, line numbers, headers, footers, etc. in the document.

Pro se debtors and attorneys who do not have access to a computer to create a creditor list may complete a request for waiver form, available at the Clerk’s Office, and submit a paper list of creditors.

4. When filing expedited matters, the filing attorney shall immediately advise the judge’s courtroom deputy clerk of the

filing by phone or fax. The telephone and fax numbers for the courtroom deputies are available on the court's Website at www.arb.uscourts.gov.

B. Service

1. Whenever a pleading or other paper is filed electronically in accordance with these Procedures, the System will automatically generate a "Notice of Electronic Filing" and send it via electronic mail to all registered attorneys and trustees assigned to the case at the time of docketing. The notice will include a list of all parties to whom the electronic notice was sent.
2. The filing attorney shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or the filing attorney may make service in accordance with Paragraph II (B)(3), as stated below.
3. An attorney filing a pleading or other paper electronically may serve the "Notice of Electronic Filing" by electronic means and such service will be considered the equivalent of service by first class mail, postage prepaid, *if and only if* the recipient of notice or service is a registered participant in the System and has agreed, in the System registration, to accept such service in lieu of service by first class mail.
4. At this time, the court shall continue to notice using the Bankruptcy Noticing Center (BNC).

C. Signatures

1. All pleadings and other papers and documents electronically filed shall either contain a scanned image of any signature(s) therein, an Adobe Acrobat Digital Signature, or indicate the signature by putting "/s/" and the name of the signatory where the original signature occurs.
2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents that must contain original signatures or require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. 1746 may be filed electronically by attorneys registered in the System. The attorney who files such a pleading or other document shall retain the originally executed document for audit purposes for a period of no less than three years after the case had been closed. For purposes of the Bankruptcy Court, the electronic copy shall be deemed the original.

D. Fees Payable to the Clerk

Prior to the electronic filing of any pleading or paper requiring a filing fee, a Credit Card Blanket Authorization Form, which is available on the court's Website, must have been received and approved by the Financial Specialist of the Office of the Clerk. When a fee payment is required with a filing, the attorney will be notified in the filing process and the court will process a charge against the approved credit card the following business day.

E. Submitting Orders

1. Moving parties submitting orders electronically must separately submit, in PDF format, a form of order for entry by the court for each pleading for which relief is requested. Orders will be submitted to the court electronically by attaching them to e-mail sent to an address specific to each Judge. The address and specific procedures will be covered when an attorney is trained on the System by the court. Orders submitted electronically will require a specific description of the matter in the subject line of the e-mail transmitting the order.
2. If approved, the Judge's signature will be added to the order and the order will be docketed to the System by the Court.
3. If the order is not approved, it will be returned via e-mail to the submitting party with an explanation of its rejection.

F. Documents to be Filed Under Seal

A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed in paper format and only after the motion is granted. The Clerk will electronically enter the order of the court authorizing the filing of such document(s) under seal and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Clerk at the time of the filing of the document(s). These documents will be maintained under seal in original format (paper) by the Clerk's Office.

G. Title of Docket Entries

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court and in accordance with the *ECF User Manual*.

H. Correcting Docket Entries

Once a document is submitted and becomes part of the case docket; corrections to the docket are made only by the Clerk.

I. Technical Failures

A Registered User of the System whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court. Difficulties connecting to the System should be reported to the court by contacting the ECF Help Desk at 501-918-5590.

J. Procedures for Filing Proofs of Claim

General Order 22 sets out the procedures for filing Proofs of Claim on the System. Please reference this document on the court's Website at www.arb.uscourts.gov.

III. PUBLIC ACCESS TO THE SYSTEM

A. Public Access at the Court

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at the Clerk's Office in Little Rock and Fayetteville during regular business hours.

B. Internet Access

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the PACER Website at www.pacer.psc.uscourts.gov and at each staffed Divisional Office of the Clerk.

C. Paper Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.